REMARKS

Applicant has carefully reviewed the Final Office Action mailed June 13, 2006, prior to preparing this response. Currently claims 1, 2, 6-8, 10, 12, 17 and 18 are pending in the application, wherein claims 1, 2, 6, 8, 10, 12 and 17 have been rejected, and claims 7 and 18 have been objected to for being dependent on a rejected base claim. Favorable consideration of the following remarks is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 1, 2, 6, 8, 10, 12 and 17 under 35 U.S.C. §102(b) as anticipated by Chien et al., U.S. Patent No. 5,891,114. Applicant maintains the position that Chien et al. fail to disclose each and every claimed element of the present application, thus failing to anticipate the claims.

In the Final Office Action, the Examiner admits that the claimed subject matter is not explicitly shown in Chien et al. In making this assertion, the Examiner opines that "[t]he fact that there is not explicitly shown (in a drawing) the claimed subject matter does not mean that there is a lack of teaching in the reference when otherwise is explicitly written." Applicant respectfully disagrees with this statement. Although Chien et al. discuss braid members and ribbons at length (column 12, line 29 through column 13, line 20), at no point throughout Chien et al. can be found a discussion of a catheter braid formed from at least two continuous wires woven together, wherein the distal cross-sectional area of each continuous wire is less than the proximal cross-sectional area of each continuous wire as currently claimed.

The Manual of Patent Examining Procedure, which cautions Examiners not to fall victim to the insidious effect of a hindsight syndrome, states that it is "necessary that the decisionmaker forget what he or she has been taught...about the claimed invention and cast the mind back to the time the invention was made...to occupy the mind of one skilled in the art who is presented only with the references, and who is normally guided by the then-accepted wisdom in the art." M.P.E.P. §1241.01 III, quoting *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983). Applicant asserts the Examiner has impermissibly mischaracterized the teachings of Chien et al., as understood by one of ordinary skill in the art, in rejecting the claims.

The Examiner looks to Figure 8 of Chien et al. to reject the claims, while referring to select disclosure concerning Figure 7. As mentioned previously, Chien et al. disclose three ways

of modifying braid characteristics: "lowered ribbon density, braid ribbon composition, and pitch." Column 8, lines 39-40. There is no discussion throughout Chien et al. of the possibility of continuous wires including different portions having dissimilar cross-sectional areas. Of these three disclosed alternatives, the only one that one of skill in the art would conclude could result in a distal woven braid (282) comprised of a wire and a proximal woven braid (266) comprised of a ribbon, as shown in Figure 8, is changing the braid composition by abutting an independent braid formed of a wire with a more proximal braid formed of a ribbon. See e.g., Chien et al., column 10, lines 44-49.

In fact, Chien et al. expressly distinguish a ribbon from a wire, indicating nonequivalence of the two types of braids. Chien et al. state, "By the term 'ribbon', we intend to include elongated shapes, the cross-section of which are not square or round and may typically be rectangular, oval or semi-oval. They should have an aspect ratio of at least 0.5 (thickness/width)." Chien et al., column 12, lines 62-66. To the contrary, Chien et al. describe the wire as having a diameter, thus indicating the wire as having a round cross-section. See e.g., Chien et al., column 14, lines 62-64. Thus, Chien et al. expressly distinguish the use of a ribbon from the use of a wire. Since the proximal ribbon braid (266) is distinct from the distal wire braid (282), shown in Figure 8, one of ordinary skill in the art would conclude, in view of the totality of the teachings of Chien et al., that neither the first suggested technique (lowered ribbon density) nor the third suggested technique (pitch) is germane to the embodiment described in Figure 8.

Thus, when Chien et al. state with regard to Figure 8 that "[t]he most significant difference between the variation shown in FIG. 8 and that of FIG. 7 is found in the fact that the distal woven braid (282) is comprised of a wire rather than the ribbon braid (262) shown in FIG. 7", one of ordinary skill in the art, in view of the second suggested technique, would understand that the substituted distal woven braid (282) must be independent from and abutted against the proximal woven braid (266). Chien et al., column 14, lines 56-60.

It is even more evident when one looks to the materials preferred for the distal woven braid (282) as compared to the materials preferred for the proximal woven braid (266). Chien et al. state that "[a] majority of the metallic ribbons in braid (266) are of a member of a class of alloys known as super-elastic alloys." Chien et al., column 12, lines 30-32. Furthermore, Chien et al. state that the woven wire braid (282) "preferably is of a stainless steel material." Chien et

al., column 14, line 62. Made of dissimilar materials, the woven wire braid (282) would not be simply an extension of the woven ribbon braid (266), thus providing additional evidence against the Examiner's erroneous characterization of the teachings of Chien et al.

In view of the above comments and previously presented remarks, Applicant maintains that indeed Chien et al. do fail to teach that which is currently claimed. There is no explicit recitation in Chien et al. regarding a catheter braid formed from at least two continuous wires woven together, wherein the distal cross-sectional area of each continuous wire is less than the proximal cross-sectional area of each continuous wire as currently claimed. Furthermore, one of skill in the art, having read and understood the teachings of Chien et al., likewise, would not conclude that Chien et al. suggest, implicitly or otherwise, the claimed invention. Applicant respectfully asserts Chien et al. fail to anticipate the claims, and withdrawal of the rejection is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Pu Zhou

By his Attorney,

Date: 8/10/06

David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349